

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

RSA-1616-2016 (O&M)
Decided on :06.03.2024

TEJ RAM . .APPELLANT
Versus
DISTRICT EDUCATION OFFICER & ORS. . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Alka Chatrath, Advocate with
Ms. Divyanshi, Advocate for the applicant.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, the grievance of the appellant is that the services of the appellant-plaintiff has wrongly been terminated by respondent No. 3 vide order dated 04.01.1996 and the Courts below have upheld the said order without appreciating the facts/evidence on record.
2. Certain facts needs to be mentioned for correct appreciation of the issue in hand.
3. The civil suit filed by the appellant-plaintiff challenged the order dated 04.01.1996 was dismissed by the trial Court on 26.02.2003, which order was never challenged by the appellant-plaintiff and the judgment attained finality thereafter, a fresh civil suit was filed in the year 2011, wherein, the order terminating the services of the appellant-plaintiff dated 04.01.1996 was not challenged by the appellant-plaintiff but a prayer was raised that the defendant be directed to pass an appropriate order on enquiry proceedings which were conducted against the appellant-plaintiff.
4. Vide judgment and decree dated 28.01.2012, the trial Court dismissed the said suit after holding that the services of the appellant-plaintiff were terminated after observing the rules of natural justice and

nothing has come on record that the order terminating the services of the appellant-plaintiff was passed without holding any free and fair enquiry.

5. The appeal preferred by the appellant-plaintiff against the judgment and decree of the trial Court dated 28.01.2012 also came to be dismissed on 03.04.2014. hence, the present regular second appeal.

6. Learned counsel for the appellant submits that the order terminating the services of the appellant-plaintiff dated 04.01.1996 is bad in law and could not even sustain.

7. It may be noticed that in the present civil suit, there is no challenge to the order of termination dated 04.01.1996. Learned counsel for the appellant concedes the said fact. Once, in the civil suit, there is no challenge to the order terminating the services of the appellant-plaintiff, no relief qua the said order dated 04.01.1996 can be granted either by the Courts below or by this Court in the present regular second appeal.

8. Further, civil suit initially filed by the appellant-plaintiff challenging the order of termination dated 04.01.1996, had already been dismissed by the trial Court on 26.02.2003, which order was never challenged by the appellant-plaintiff, hence, the objections as to validity of the said punishment order, which has already been declined by the trial Court vide judgment and decree dated 26.02.2003, which judgment has already attained finality, cannot be questioned by way of present regular second appeal.

9. Even otherwise, the appellant-plaintiff is required to point out any perversity in the judgments and decrees passed by the Courts below, but the same has not been pointed out by the learned counsel for the appellant-plaintiff and the only endeavour of the appellant-plaintiff is to re-argue the same issue so as to re-appreciate the facts so as to arrived at a different

conclusion than the one arrive at by the Courts below, which is not permissible under law.

10. Keeping in view the above facts and circumstances of the present case, no ground is made out for any interference in the findings recorded by the Courts below, hence, the present regular second appeal stands dismissed.

11 Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

06.03.2024
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No